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SUBJECT: SAO PAULO STATE SLOWLY ADDRESSES PRISON CONDITIONS (3 OF 3)

REF: A) 06 Sao Paulo 751 B) Sao Paulo 49 C) Sao Paulo 56 D) Sao Paulo 66

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Summary

11. (SBU) Sao Paulo State officials candidly admit that a host of challenges exist within the state penitentiary system but tell us they are working hard on addressing the prison network's shortcomings. According to state authorities, the cash-strapped Secretariat for Prison Administration (SAP) is continuing to clean

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up the poorly planned and overpopulated prison system, some of whose units are so bad that even SAP Secretary Antonio Ferreira Pinto called them "concentration camps". State contacts tell us that a lack of prison space, particularly for the rising number of female inmates, rampant corruption, and rehabilitation are major issues. Human rights groups note that while Sao Paulo has the most developed prison system in Brazil, the state needs to continue jail reform and develop alternative sentencing plans. These NGO contacts stress that while the penitentiary structure is broken and an overhaul desperately needed, the state government is taking some positive steps towards creating a better managed and organized prison system.
End Summary.

Admitting Problems Exist

12. (SBU) This is the last in a three-part series exploring the prison system in Sao Paulo State, how penitentiary conditions fueled the rise of the First Capital Command (PCC) criminal organization, and the state's response to these concerns.

13. (SBU) Secretary for Prison Administration Antonio Ferreira Pinto admitted that Sao Paulo's penitentiaries face a number of challenges, and signaled that recognizing this fact was an important first step in addressing the system's shortcomings. Despite the fact that Sao Paulo has 40 percent of Brazil's jails, the state does

not have a public policy to deal with the prisons' problems including overcrowding and the locations of the facilities, a framework for preventive programs to steer would-be criminals into becoming productive members of society, nor rehabilitation initiatives to help prisoners emerging from incarceration. Secretary Pinto told Poloff that he took over a broken and

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"disorganized" penitentiary network when his predecessor was forced to resign following the May 2006 PCC attacks and prison riots. One major problem he found is that in an effort to stimulate the local economies of neglected parts of the state, Sao Paulo constructed prisons in various far-flung parts of the state. The unintended consequence of this plan, according to Pinto, is that prisons are located far from the homes of the families of the incarcerated. In addition to the poorly located prisons, the state also does not have enough semi-open regime facilities or rehabilitation centers that could be useful in curbing recidivism among the inmates. Finally, Pinto confirmed complaints by human rights activists of primitive medical attention, even stating that the conditions "make them look like concentration camps".

¶4. (SBU) Julia Gorla, Municipal Secretary for International Relations of Araraquara, a municipality with a population of approximately 200,000 in Sao Paulo State, told Poloff that the state penitentiary located in the city remains overcrowded, though not as dramatically as in 2006 when it attracted headlines and photos in the media (Ref A). Gorla attributed the prison's overcrowding to high levels of violent crime and the slowness of the judicial system, which keeps people in custody for long pre-trial periods. She noted that while the situation is certainly of concern in Araraquara, prison conditions and the need for reform are national issues.

¶5. (SBU) The State Secretary of the Sao Paulo State Governor's Civil Household (Chief of Staff equivalent), Aloysio Nunes Ferreira Filho, told Poloff that the state hopes to build 40 new penitentiaries before Governor Jose Serra's term ends in December 2010. Nunes noted that Sao Paulo's budget and credit are in good shape and some of the funds derived from the upcoming privatization of several state highways and the Sao Paulo Energy Company (CESP) may be devoted to improving the prisons. The success of penitentiary expansion will depend on the state's finances, Nunes stressed, because the federal government has provided very little public security assistance to Sao Paulo. (Comment: The government's recently enacted National Program on Public Security with Citizenship includes funding for prison construction in eleven cities with the highest crime rates, including Sao Paulo. Whether that funding materializes or a significant proportion makes its way to Sao Paulo is yet to be seen. End Comment) Nunes believes that the number of female inmates is on the rise because they are increasingly used as "drug mules" in transporting narcotics. Constructing women's units is the most pressing penitentiary issue in Sao Paulo, Nunes stated.

Problems Impeding Change

¶6. (SBU) While acknowledging the state has been "negligent" in its responsibilities and expressing the hope to bring about improvement during his tenure, SAP Secretary Pinto cited several complicating factors. Corruption is wide-spread, including the existence of many outside groups who categorize themselves as NGOs that petition to run small detention units and, after receiving state approval, siphon off funds into their organizers' private accounts. Unlawful prison staff behavior is also common, he admitted, and noted further that some penitentiaries are virtual "homes" for criminals who leave the facilities during the day and return at night just to sleep. Responding to the issue of overpopulated prisons, Pinto said some jails had to be closed because "even by Brazilian standards," their "sub-human conditions" were unacceptable. The results of these closures were that those prisoners were transferred to units that were already over-capacity thus exacerbating the overcrowding problem. However, there are no easy solutions as building a prison takes at least a year, he added, and therefore constructing enough to house the current incarcerated population would take several decades. In contrast with State Secretary Nunes, Pinto said that

the state is hindered in building new prisons because of budget constraints. University of Sao Paulo Center for the Study of Violence (USP-NEV) Researcher Fernando Salla commented that even if the state were focused on fundamental changes, including new prison construction, the general public is unlikely to support a serious overhaul of the prison system. According to Salla, the non-incarcerated population prefers to have criminals and suspected lawbreakers "locked up and forgotten about". Without public backing, the state can only do so much and should not be blamed for the lack of new prison construction, he inferred.

First Steps

17. (SBU) The May 2006 PCC riots destroyed 19 state prisons, Secretary Pinto noted, highlighting that he spent almost a full year

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after becoming head of SAP focused solely on re-building those facilities. In addition to these units, Governor Serra has promised to build eight new prisons in 2008, including the first unit specifically constructed to house women (Note: Pinto told us that Sao Paulo's ten female prisons were adapted from male units. End Note.) The state would like to build these eight facilities closer to populated areas to facilitate family visits. Pinto also plans on increasing from 30 to 50 the number of alternative sentencing prison units in the belief that this will be an effective method for dealing with prison overcrowding as well as recidivism. In

addition, Pinto noted that the SAP has reduced solitary confinement cells to 54 from 147 and continues to decrease the number because "keeping prisoners locked up for 22 hours a day is not justified", Pinto said. He argued that some solitary confinement units must continue to operate to deal with extremely serious cases, but in general he is not convinced of the efficacy of solitary confinement in general and believes that these punitive measures may be counter-productive.

18. (SBU) Heidi Cerneka, President of the Institute of Land, Work and Citizenship and Coordinator for the Women's Prisons Program at the Pastoral Commission for the Incarcerated, (a Catholic Church organization that attends to prisoners), noted that while she is very disappointed with the state's lack of efforts to improve the penitentiary system, Sao Paulo has taken some initial steps. Cerneka said that Secretary Pinto has transferred or demoted some prison administrators accused of abuse and has improved the living conditions of some prisons. For example, Sao Paulo's "resocialization centers" for prisoners, smaller units where the incarcerated have more living space and can take some training classes in preparation for release, are functioning well, when they are not overcrowded, she added. She stressed, however, that these actions are the start of a very long and difficult process.

19. (SBU) Secretary Pinto said that Sao Paulo continues to test new methods for dealing with its poor prison conditions as well as seeking out new methods to fund prison construction. For example, the state is asking for financial support from the National Economic and Social Development Bank (BNDES) to build new units. Regarding prison conditions, Pinto claims that when allegations of physical and mental abuse arise or prisoners complain about serious incidents, he immediately takes action to punish prison wardens, even if the person accused happens to be a member of the administrator's staff, rather than the head of the unit itself. In this way, Pinto told Poloff that he holds prison wardens accountable not only for their own actions, but for all employees under their supervision. He has also empowered monitoring councils that were created to highlight problems within the jails and has regular contact with them to hear criticism. In addition, the state is building a facility exclusively for non-Brazilian prisoners so that consulates can have better and easier access to their incarcerated constituents. Public defender Carlos Weiss said that although the state needs to do much to address serious problems in the prison system, its focus on building more units has helped improve the situation at least partially. Still, in order to keep up with the growing prison population, Sao Paulo needs to construct many more facilities, he emphasized.

Sao Paulo Still More Developed than Other States

¶10. (SBU) According to Father Silveira, Sao Paulo State Coordinator and National Vice President for the Pastoral Commission for the Incarcerated, Sao Paulo's jails are much more developed than those in other states. Acknowledging that nepotism and corruption are rampant problems within jails throughout Brazil, Sao Paulo adheres to a system of merit-based appointments for senior penitentiary positions, as opposed to what he finds common in other states where prison administration officials hand out jobs to family and friends.

Silveira added that SAP training is much more developed than in other prison secretariats around the country and that in Sao Paulo State, prison directors must have completed university studies. He emphasized that SAP is more open to suggestions from his organization than its counterparts elsewhere and that he finds Secretary Pinto welcoming to new ideas. (Note: All our contacts

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including Silveira told us, and Secretary Pinto confirmed, that he no longer speaks with the press because he finds the media sensationalist and not willing to tell the whole story. End Note.)

Comment

¶11. (SBU) State authorities impressed us with their candid admission of severe shortcomings in the prison system. Along with Governor Serra's admission that Sao Paulo's penitentiaries are "very problematic" and could use assistance in their administration, we see a unique opportunity to help with a very serious human rights and public security concern (Ref A). As we previously noted (Refs B and C), the expected signing of the Letter of Agreement on counternarcotics efforts and law enforcement cooperation will pave the way for bilateral initiatives in dealing with concerns such as prison reform. End Comment.

¶12. (U) Embassy Brasilia coordinated with and cleared this cable.

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